



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

September 27, 2022, 5:30 p.m.
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Jeremy Bergener, Christopher Pengra, Erin Wells, and Alternate Commissioner Brent Strong.

COMMISSION MEMBERS PRESENT ELECTRONICALLY: Commissioner Matthew Everett.

ELECTED OFFICIALS PRESENT ELECTRONICALLY: Councilmember Colby Curtis, Liaison to the Planning Commission.

CITY STAFF PRESENT: Steve Mumford, Assistant City Administrator/Community Development Director; and Robert Hobbs, Planning Manager.

CITY STAFF PRESENT ELECTRONICALLY: Elizabeth Fewkes, Recording Secretary.

5:30 P.M. – Eagle Mountain City Planning Commission Work Session

Commissioner Bergener called the meeting to order at 5:33 p.m.

1. Discussion Items

1.A. DISCUSSION ITEM – Draft Code Amendment to EMMC 17.80.080.C-E, H & I

Commissioner Everett said he will recuse himself from the discussions and recommendations for this item. Although he does not have a financial interest in the matter, as a member of the Board of Directors of the Eagle Mountain Chamber of Commerce he has a vested interest in the item.

Planning Manager Robert Hobbs explained the intent of the discussion item is to garner Planning Commission review and commentary regarding a proposal to amend certain subsections of EMMC 17.80.080 Off-Premise Ladder Signs respecting sign inserts, sign ownership, and billing and payment.

Director of the Eagle Mountain Chamber of Commerce Melissa Clark explained the request to allow for single or double-slatted signs is to offer a more affordable and a more visible option to businesses. Once merited by demand, she proposed providing double-sided signage with a different business visible to traffic traveling in opposite directions in relation to the location of the businesses. Twenty signs have been built, all but five slats of the 40 signs currently permitted by Municipal Code are reserved, and six additional businesses are on a waiting list for signage. The amendment proposes 60 locations; they would be in favor of adding additional locations rather than limiting businesses to single-slatted signs. Some small businesses and nonprofit organizations have requested alternative billing terms. Chamber billing processes have been updated to prevent

sign vacancies. They have created a map of existing, approved, and requested new locations and relocations for ladder signs. They welcome Commission and Council feedback regarding sign locations. About five or six businesses that conduct business within Eagle Mountain but have headquarters outside of the City have signage; however, the majority of the signs are utilized by businesses located in the City.

Commissioner Wells stated that she appreciates the prioritization of signage for Eagle Mountain businesses.

Commissioner Pengra asked if it would be beneficial to add a 30-day timeframe for the removal of signs for nonpayment to set an expectation and offer protection for both the City and the businesses, noting that the verbiage stipulates that signs *may* be removed rather than *shall* be removed.

Ms. Clark indicated that it would be beneficial to allow flexibility to create payment plans for businesses when merited; however, she would not object to a timeframe being added that leaves room for discretionary, individualized decisions. She requested to expedite the application to assist the Chamber with providing resources for small businesses combatting the impacts of the recession.

Commissioner Wells adjourned the work session at 5:56 p.m.

6:30 P.M. – Eagle Mountain City Planning Commission Policy Session

Commissioner Wells called the policy session to order at 6:31 p.m.

2. Pledge of Allegiance

Commissioner Wells led the Pledge of Allegiance.

3. Declaration of Conflicts of Interest

None.

4. Approval of Meeting Minutes

4.A. September 13, 2022 Planning Commission Minutes

Commissioner Wells requested a correction to Assistant City Administrator/Community Development Director Steve Mumford's title on page two.

Commissioner Bergener requested a correction to the tally of the vote count for the motion on page five to table the Porter's Crossing Town Center Master Development Agreement.

MOTION: *Commissioner Bergener moved to approve the September 13, 2022 minutes as amended. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
☒ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>	☐ <i>Jason Allen</i>
☒ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>	☐ <i>Jeremy Bergener</i>
☒ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>	☐ <i>Matthew Everett</i>
☒ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>	☐ <i>Chris Pengra</i>
☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

5. Status Report

Staff reviewed the items discussed and voted upon during the September 13, 2022 City Council meeting.

6. Action and Advisory Items

6.A. ACTION ITEM/PUBLIC HEARING – Proposed Code Amendments to EMMC 17.75.081

Planning Manager Robert Hobbs presented the applicant-proposed amendment request to allow vehicles to be kept on a storage lot indefinitely rather than a maximum of 180 days. The applicant submitted the following statement of intent, “B&H Land Holdings rezoned a portion of its property to residential with the promise that there would be future commercial or business park on the north end of the property. We are very aware of the commitment to develop the business campus area as such, but there currently isn’t demand on our property for such a use. As more of a temporary use, we thought a portion of the property could be used as a RV/recreation vehicle/boat storage lot. The current code only allows for vehicles to be stored for up to 180 days. I’ve proposed some additional verbiage to be added, but we are open to other ideas.” The proposed amendment retains the 180-day limitation for towing yards. The applicant’s property is located in The Pinnacles development and is indicated as Business Park/Light Industry on the General Plan Future Land Use Map.

Commissioner Pengra inquired regarding the impact of EMMC 17.75.081 on RVs and other recreational vehicles stored at commercial storage facilities.

Assistant City Administrator/Community Development Director Steve Mumford explained that the Commercial Storage Zone specifically addresses moving vehicles but those standards exclude a time limit.

Mr. Hobbs noted the difficulties in enforcing the 180-day time limitation and verified that commercial storage facilities can store vehicles from other cities.

Mr. Mumford stated that a towing yard is defined in Municipal Code as “An establishment engaged in the temporary storage of vehicles that have been towed, carried, hauled or otherwise moved

from public or private property for impoundment in a public or private impound yard. This use includes vehicle transport companies engaged in similar activities. This use does not include vehicle rental or sales of new or used vehicles or parts (except for necessary sales of unclaimed impounded vehicles), vehicle repair, automobile wrecking yard, junk or salvage yard, or a freight terminal.” Vehicle storage yards are not currently defined in Municipal Code.

Applicant Andy Flamm explained that the commercial area was excluded from the master development agreement (MDA) for the Pinnacles. The vehicle storage yard is planned for 5 to 10 acres of the land currently zoned Agriculture on the north side of the residential development. Operational vehicles such as recreational trailers, boats, and motorhomes would be stored at the site.

Commissioner Wells noted that the required investment in the property to meet the screening requirements made her unsure of the viability of a temporary vehicle storage business.

Commissioner Wells opened the public hearing at 7:00 p.m. As there were no comments, she closed the hearing.

Commissioner Allen said as he is hopeful that the applicant would replace the vehicle storage with another commercial use once the area develops and due to the screening requirements, he is agreeable to permitting the business in this location. He is amenable to removing the storage time limitation for recreational vehicles and boats because the time they are not in use may exceed the allotted 180-days.

Commissioner Wells noted that the amendment would impact the entire City and should be a consideration in the Commission’s recommendation.

Commissioner Everett said although he does not object to storage facilities and recognizes the need, he is against the amendment because he is apprehensive about the potential impacts of the proposal. He feels a rezone request for the location to a zone that allows the desired use would be more appropriate.

Commissioner Bergener expressed concern with the wording of the amendment, particularly the lack of a definition of a vehicle storage yard and ambiguity about the types of vehicles that can and cannot be stored.

Commissioner Pengra stated he is opposed to the Municipal Code amendment because the City already has standards for commercial storage and is against the use in this location. Once a use is permitted, it is difficult for the City to compel the change to another use. Existing uses impact attracting businesses to an area.

Mr. Flamm explained his request for this amendment rather than a rezone is because he would also need a General Plan amendment. Storage yards are a permitted use in the Light Manufacturing/Distribution Zone which is a compatible zone for areas with a Business Park/Light Industry future land use designation. He has no objection to prohibiting the storage of non-operational vehicles.

Discussion ensued regarding the following:

- The demand for additional recreational vehicle storage in the City;
- Concerns with the use becoming permanent;
- Challenges with enforcing the 180-day storage limitation;
- Vagueness in the verbiage of the amendment; and
- Clarifying whether the timeframes in EMMC 17.75.081 apply to the Commercial Storage Zone.

Commissioner Everett verified that even if the Commission were to approve the proposed amendments, the applicant would still be required to submit a rezone request because vehicle storage yards are not a permitted or special use in the Agriculture Zone.

MOTION: *Commissioner Everett moved to recommend denial to the City Council of the proposed amendments to Eagle Mountain Municipal Code 17.75.081. Commissioner Pengra seconded the motion.*

Commissioner Everett explained his recommendation of denial is to allow the applicant to either withdraw the application or to take the application to the City Council with the negative recommendation from the Commission to determine the opinion of the Council on the request and obtain their feedback before applying for a rezone.

The Commission discussed whether to table the item to allow for changes to the amendment with consideration of the time and financial impacts to the applicant or to recommend denial of the application because staff can propose an amendment to address Commission concerns with the standards independent of the applicant.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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The motion passed with a vote of 3:2.

Commissioner Allen clarified that his dissention was due to his preference to table the item to ensure it returns to a future meeting to resolve the issues identified with the standards during the discussion and to provide the City Council with a more polished recommendation.

6.B. ACTION ITEM / PUBLIC HEARING – The Church of Jesus Christ of Latter-day Saints Meetinghouse Site Plan Review

Mr. Hobbs presented the item for a site plan approval for The Church of Jesus Christ of Latter-day Saints meeting house on a 3.555-acre parcel located at 7091 N. Silver Creek Way. Silverlake Plat

26 has a connecting pathway, Parcel A, 140.56 feet from the southwest corner that abuts the southern end of the church property. Connectivity to the path lot should be required of the applicant. The span and composition of that connection is a decision left to the Commission. Ideas discussed with the applicant have included a 9 to 20-foot wide cross-connection with a paved walking surface. Staff recommends for the Planning Commission to recommend approval to the City Council of the site plan with the conditions to include a pathway connection at the southern end of the property and for the parking lot light poles to be reduced to the maximum allowable height of 17 feet.

Commissioner Everett confirmed with staff that the headlight screening is compliant with Municipal Code requirements.

Applicant representative Chad Spencer stated that they submitted a revised plan that eliminates parking stalls to provide the requested ramp and path connection to the south; however, they would prefer not to add the connection due to liability concerns. They are amenable to installing shorter light poles.

Commissioner Wells expressed her preference for the removal of nonfunctional turf for this and all other projects in the City.

Commissioner Wells opened the public hearing at 7:43 p.m. As there were no comments, she closed the hearing.

Mr. Spencer explained that there is an existing chain-link fence between the school and church properties and two of the existing homes to the south have fences. They would install fencing between the path and the homes.

Discussion confirmed that the City owns the property intended for the path and that the developer has first rights of refusal if the City decided to sell the parcel. Should the developer decline to purchase the property, the land could be offered for purchase to the adjacent homeowners; however, the land disposal process is lengthy and can encounter difficulties with obtaining approval from the neighboring property owners for a plat amendment. An easement or maintenance agreement could possibly be reached with the residents should the land remain undeveloped.

Commissioner Pengra mentioned challenges with previous City land disposals. Due to the likelihood of the path being infrequently utilized, he feels that the path is the appropriate solution. Commissioner Everett concurred.

MOTION: *Commissioner Pengra moved to recommend approval to the City Council of the Church of Jesus Christ of Latter-day Saints meetinghouse site plan with the following conditions:*

- 1. The site plan and SilverLake 26 parcel A shall be connected using similar widths and including striping and an ADA-compliant ramp through the parking lot; and*
- 2. The light poles shall be compliant with Municipal Code.*

Commissioner Bergener seconded the motion.

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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The motion passed with a unanimous vote.

6.C. PUBLIC HEARING – Amendments to Chapter 9 of the City's Adopted General Plan

Mr. Hobbs presented the item. The State of Utah legislature revised their list of approved strategies to facilitate low/moderate income housing throughout the State when they passed House Bill 462. That bill's production represented "A collaborative effort among numerous stakeholders, including the Commission on Housing Affordability, the Utah League of Cities and Towns, Wasatch Front Regional Council and Mountainland Association of Governments, Property Rights Coalition, Division of Housing and Community Development, the Utah Transit Authority, and various other public and private sector organizations, to help Utah to address its significant challenges on housing availability and affordability."

The bill modified and expanded the strategy types available to cities to further the cause of facilitating the presence of low/moderate income housing in communities. It required that municipalities review and update their moderate income housing plans and update items with implementation elements by October 1, 2022, rather than the original December reporting deadline. Further, it caused implementation elements to be assigned a timeframe that has specific benchmarks for each strategy chosen for use by a city; however, it provides some flexibility to a municipality to make adjustments. It also increased the number of menu strategies from which municipalities may select to fulfill the goal of providing additional opportunities for the introduction of low/moderate income housing. The number of strategies required to be adopted by the City remains at three, six are currently noted in the General Plan. However, if the plan includes five or more then the City receives prioritization for transportation funding and ARPA funding by the State. Also, the Department of Workforce Services has been made responsible to create a moderate income housing database and providing housing data to Utah jurisdictions.

Following the objective statements, Section 9.4 of Chapter 9 contains six strategies worded to explain how the City will implement its intended effort to meet the goals and objectives facilitating the inclusion of low/moderate income housing within the municipality. They are given as follows:

1. Carefully monitor affordability in the City during rapid growth spurts to ensure affordable housing needs are anticipated.
2. Designate areas in the future land use framework where multifamily development will be permitted. Support a range of multifamily housing types including townhomes, row-

homes, and duplexes, which appeal to a variety of population demographics, including younger and older individuals.

3. Streamline development processes to allow a range of development types to occur in order to provide a diversity of housing options as the City grows.
4. Introduce and integrate rental units into neighborhoods by allowing for multi-family or townhome mixed-use development to function as buffers between commercial and single-family residential areas.
5. Continue to support the integration of small lot sizes into developments to offer a mix of housing within the same neighborhood.
6. Allow for accessory dwelling units, including detached units, to be integrated into residential neighborhoods.

Mr. Mumford explained that several months ago, the City Council approved a contract with Lewis, Young, Robertson, and Burningham, Inc. (LYRB) to draft an Affordable Housing Plan. However, the project was delayed awaiting the completion of the Economic Development Plan to utilize the data and goals from that plan to generate the Affordable Housing Plan. LYRB estimates the Affordable Housing Plan will be completed within three months. Should the City decide to not submit a report to meet the October 1st deadline, the State will issue a letter of noncompliance and the City will have 90 days to come into compliance. Alternatively, the Commission could select noncontroversial affordable housing options to submit by the deadline to demonstrate progress and amend the General Plan with the new strategies after the deadline. Staff is willing to take direction from the Commission and Council as to whether to submit a temporary plan or to wait until the Affordable Housing Plan can be completed. Because the General Plan cannot be amended prior to the October 1st deadline, the City will be partially out of compliance with State requirements regardless of submitting affordable housing strategies. He recommended delaying submitting the strategies to the State until the Affordable Housing Plan is completed and the General Plan is amended and submitting a letter to the State explaining the situation and that the City is in process of becoming compliant.

Commissioner Wells opened the public hearing at 8:07 p.m. As there were no comments, she closed the hearing.

Commissioner Wells stated although she agrees with the hesitancy in drafting a temporary plan, she is concerned with Eagle Mountain City being singled out for not being in compliance given the environment at the State level surrounding affordable housing resulting in additional legislative action impacting cities.

Mr. Mumford explained that the City is required to have a minimum of three strategies. Two of the six existing strategies in the General Plan align with the updated State-approved practices:

- #2 – Designate areas in the future land use framework where multifamily development will be permitted. Support a range of multifamily housing types including townhomes, row-homes, and duplexes, which appeal to a variety of population demographics, including younger and older individuals, and
- #6 – Allow for accessory dwelling units, including detached units, to be integrated into residential neighborhoods.

Funding preference is given to cities that implement five or more strategies. One of the main reasons for updating the Affordable Housing Plan is to determine the allocation of the affordable housing funds from the Tyson, Facebook, and Google community reinvestment area projects; those funds are not allowed to be spent on infrastructure.

Discussion ensued regarding potentially adopting the following strategies in the temporary plan:

- B: Demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;
- E: Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;
- H: Amend land use regulations to eliminate or reduce parking requirements for residential development where a resident is less likely to rely on the resident's own vehicle, such as residential development near major transit investment corridors or senior living facilities;
- I: Amend land use regulations to allow for single room occupancy developments;
- J: Preserve existing and new moderate income housing and subsidized units by utilizing a landlord incentive program, providing for deed restricted units through a grant program, or, notwithstanding Section 10-9a-535, establishing a housing loss mitigation fund;
- K: Reduce, waive, or eliminate impact fees related to moderate income housing;
- O: Apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency's funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for affordable housing programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing;
- P: Demonstrate utilization of a moderate income housing set aside from a community reinvestment agency, redevelopment agency, or community development and renewal agency to create or subsidize moderate income housing;
- R: Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a 530; and
- S: Create a program to transfer development rights for moderate income housing.

Commissioner Pengra said he feels that the Commission is unable to provide meaningful recommendations at this time. He is willing to defer to staff as to whether to continue selecting State-approved strategies or to wait until LYRB has finished their draft of the plan.

Commissioner Everett expressed his frustration and disappointment with the project being rushed, failures in oversight, and the inadequate timeframe given for cities to update their plans. He is adamantly opposed to creating a temporary plan that could be exploited between implementation and the approval of the finalized plan. He suggested a joint Planning Commission and City Council meeting to work together to select the right strategies and to prevent staff from having to revise the Commission's recommendations if the Council raises objections to the proposal. He requested for the item to be tabled to allow the Commissioners to study the available strategies and to have

individual conversations with staff to develop sound policies regardless of being out of compliance with the State deadline.

MOTION: *Commissioner Everett moved to table the amendments to Chapter 9 of the City's adopted General Plan and task the Planning Commission and staff to research the strategies for discussion at a future meeting. Commissioner Allen seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

Mr. Mumford stated that he will work with the City Administrator and Economic Development Director on an amendment and will explore the possibility of a joint meeting with the City Council, Planning Commission, and LYRB.

7. [Discussion Items](#)

8. [Next scheduled meeting](#)

The next Planning Commission meeting is scheduled for October 11, 2022.

9. [Adjournment](#)

MOTION: *Commissioner Pengra moved to adjourn at 8:40 p.m. Commissioner Bergener seconded the motion.*

<i>Those Voting Yes</i>	<i>Those Voting No</i>	<i>Those Abstaining</i>	<i>Those Absent</i>
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☒ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>	☐ <i>Erin Wells</i>

The motion passed with a unanimous vote.

The meeting was adjourned at 8:40 p.m.

Approved by the Planning Commission on October 11, 2022.


Steve Mumford (09/11/2022 07:26 MDT)

Steve Mumford, AICP
Assistant City Administrator/Community Development Director

September 27, 2022 PC Minutes

Final Audit Report

2022-10-12

Created:	2022-10-12
By:	Shawna Ellis (sellis@emcity.org)
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-  Document created by Shawna Ellis (sellis@emcity.org)
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